

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-01134 PSG	DATE FILED 3/9/2011	U.S. DISTRICT COURT 280 South First Street, Rm 2112, San Jose, CA 95113
PLAINTIFF VA FILTRATION USA LLC		DEFENDANT MAVRIK NORTH AMERICA
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,651,616		SEE ATTACHED COMPLAINT
2 7,829,977		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Betty Walton	DATE March 10, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

E-filing

ORIGINAL

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FILED
MAR - 9 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND
(14)
Fca
PAC
ISS

17 UNITED STATES DISTRICT COURT

ADR

18 NORTHERN DISTRICT OF CALIFORNIA

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C
14 VA FILTRATION USA LLC,
Plaintiff,
vs.
MAVRIK NORTH AMERICA
Defendant.

Case No.

C11-01134

PSG

COMPLAINT FOR PATENT
INFRINGEMENT

(DEMAND FOR JURY TRIAL)

On information and belief, Plaintiff VA Filtration USA LLC ("VA Filtration") files this complaint for patent infringement against Mavrik North America ("Mavrik") and alleges as follows:

THE PARTIES

1. VA Filtration is a California corporation having its principal place of business in this judicial district at 106 Dodd Court, American Canyon, CA 94503.

2. Mavrik is a California corporation having its principal place of business in this judicial district at 345 Tesconi Circle, Santa Rosa, CA 95401.

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1 **JURISDICTION AND VENUE**

2 3. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a),
3 in that it involves substantial claims arising under the United States Patent Act, 35 U.S.C. § 1 *et*
4 *seq.*

5 4. Venue is proper in this district under 28 U.S.C. §§ 1391(a)(1).

6 5. Mavrik is subject to personal jurisdiction in California because, *inter alia*, Mavrik
7 is incorporated in California and has its principal place of business in this judicial district.

8 **INTRA-DISTRICT ASSIGNMENT**

9 6. This matter is properly assigned to the San Francisco/Oakland division of this
10 court pursuant to Local Rule 3-2(c), (d) because, as alleged herein, this matter arises between
11 parties that are residents of Napa and Sonoma counties.

12 **BACKGROUND**

13 7. VA Filtration is a leading provider of mobile filtration services for wineries,
14 offering *inter alia* volatile acidity reduction and smoke taint reduction.

15 8. On January 26, 2010, the United States Patent and Trademark Office ("USPTO")
16 duly and legally issued U.S. Patent No. 7,651,616 ("the '616 patent") entitled "Apparatus and
17 method for isolating and/or eliminating at least one solute from a solution" to Bryan Tudhope.
18 The '616 patent relates to a system and method for removing an ethyl acetate or an acetic acid
19 from untreated wine. A true and correct copy of the '616 patent is attached hereto as Exhibit A.

20 9. On November 9, 2010, the USPTO duly and legally issued U.S. Patent No.
21 7,829,977 ("the '977 patent") entitled "Apparatus and method for isolating and/or eliminating at
22 least one solute from a solution" to Bryan Tudhope. The '977 patent relates to a system and
23 method for removing a solute from wine. A true and correct copy of the '977 patent is attached
24 hereto as Exhibit B.

25 10. VA Filtration is the exclusive licensee of the '616 patent and the '977 patent,
26 including all rights to enforce the patents and recover damages for all infringements thereof.

27 **MAVRIK'S INFRINGING PRODUCTS AND SERVICES**

28 11. Mavrik owns and operates a wine filtration business.

1 12. Mavrik performs, *inter alia*, the filtration services of volatile acidity reduction
2 ("VA reduction") and smoke taint reduction for its clients.

13. Mavrik also sells wine filtration systems that perform, *inter alia*, VA reduction and smoke taint removal.

14. On information and belief, Mavrik's services and systems work by separating the wine into two different portions using a nanofiltration membrane, a retentate that does not pass through the membrane and a permeate that does pass through; removing the unwanted compounds from the permeate portion of the wine via the process of selective adsorption; and recombining the permeate portion of the wine with the retentate portion.

10 FIRST CLAIM FOR RELIEF

11 (Infringement of U.S. Patent No. 7,651,616)

12 15. Plaintiff repeats and realleges the allegations of ¶¶ 1-14 as if set forth herein.

13 16. On information and belief, Mavrik is infringing the '616 patent by making, using,
14 offering for sale and/or selling wine filtration systems and methods that directly, indirectly,
15 jointly with its customers, contributorily, and/or by inducement, infringe one or more claims of
16 the '616 patent.

17. Plaintiff has suffered irreparable harm by reason of Defendant's infringement of the '616 patent, including, *inter alia*, the erosion of Plaintiff's statutory right to exclude others from practicing the claimed invention of the '616 patent.

18. Plaintiff is entitled to all damages adequate to fully compensate Plaintiff for Defendant's infringement of the '616 patent.

19. Plaintiff is entitled to all damages adequate to fully compensate Plaintiff for Defendant's willful infringement of the '616 patent.

SECOND CLAIM FOR RELIEF

25 (Infringement of U.S. Patent No. 7,828,977)

26 20. Plaintiff repeats and realleges the allegations of ¶¶ 1-14 as if set forth herein.

27 21. On information and belief, Mavrik is infringing the '977 patent by making, using,
28 offering for sale and/or selling wine filtration systems and methods that directly, indirectly,

1 jointly with its customers, contributorily, and/or by inducement, infringe one or more claims of
2 the '977 patent.

3 22. Plaintiff has suffered irreparable harm by reason of Defendant's infringement of
4 the '977 patent, including, *inter alia*, the erosion of Plaintiff's statutory right to exclude others
5 from practicing the claimed invention of the '977 patent.

6 23. Plaintiff is entitled to all damages adequate to fully compensate Plaintiff for
7 Defendant's infringement of the '977 patent.

8 24. Plaintiff is entitled to all damages adequate to fully compensate Plaintiff for
9 Defendant's willful infringement of the '977 patent.

10 WHEREFORE, VA Filtration requests this Court enter the following relief:

11 ~~(a) a judgment that Defendant has infringed the '616 patent;~~

12 (b) a judgment preliminarily and permanently enjoining Defendant and its respective
13 agents, servants, officers, directors, employees, and all other persons acting in concert with it,
14 from directly, or indirectly infringing, inducing others to infringe, or contributing to the
15 infringement of the '616 patent;

16 (c) a judgment awarding Plaintiffs damages for infringement of the '616 patent,
17 including lost profits, but in an amount no less than a reasonable royalty, for the use made of the
18 invention by the Defendant;

19 (d) a declaration that Defendant's infringement of the '616 patent was willful,
20 deliberate and intentional, and a judgment trebling the damages for infringement thereof, in
21 accordance with 35 U.S.C. § 284;

22 (e) a judgment that Defendant has infringed the '977 patent;

23 (f) a judgment preliminarily and permanently enjoining Defendant and its respective
24 agents, servants, officers, directors, employees, and all other persons acting in concert with it,
25 from directly, or indirectly infringing, inducing others to infringe, or contributing to the
26 infringement of the '977 patent;

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28 ///

1 (g) a judgment awarding Plaintiffs damages for infringement of the '977 patent,
2 including lost profits, but in an amount no less than a reasonable royalty, for the use made of the
3 invention by the Defendants;

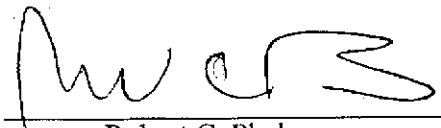
4 (h) a declaration that Defendant's infringement of the '977 patent was willful,
5 deliberate and intentional, and a judgment trebling the damages for infringement thereof, in
6 accordance with 35 U.S.C. § 284; and

7 (i) that this Court award VA Filtration such further relief as this Court may deem
8 necessary, just, and/or proper.

9 Dated: March 9, 2011

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JURY TRIAL DEMANDED

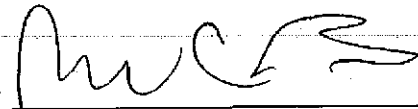
VA Filtration requests a jury trial under Fed. R. Civ. P. 38.

Dated: March 9, 2011

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